

add bronchio-alveolar carcinoma to the list of diseases which the VA presumes to be service connected. This bill is identical to legislation I offered last year (H.R. 4156).

Bronchio-alveolar carcinoma is a rare form of nonsmokers' lung cancer which strikes otherwise healthy individuals for no known reason. In 1981, it took the life of Thomas McCarthy, a veteran who was a navigator aboard the U.S.S. *McKinley* during his time in the U.S. Navy in the 1950's.

In 1955, the *McKinley* was one of several ships to take part in Operation Wigwam, a secret Navy experiment which tested the effects of an atomic detonation under the ocean floor. The blast produced a mist which enveloped the ships on mission and their crewmen. The Navy refused to even acknowledge the test until 1979, and they still refuse to make public the dangers that the mist produced.

After Mr. McCarthy's death, his widow Joan applied for benefits through the VA. Unfortunately, she was consistently turned down despite the plethora of information she continued to unearth which confirmed that her husband's death was a direct result of his service connection.

I became involved with Mrs. McCarthy's case in 1986 and have been trying to persuade the VA to administratively include bronchio-alveolar carcinoma on the presumed service-connected list. Unfortunately, these requests have been rebuffed. I have been told that the only way to get this done is through legislation.

Last year, VA Secretary Jesse Brown promised me that the Department will support my efforts to pass this legislation. With Secretary Brown's help and as vice chairman of the Veterans Affairs Committee, I will be working with my colleagues on the committee to ensure that the bill is brought up quickly and passed.

We have held hearings on this matter. I have met personally with Secretary Brown to urge action. The time for talking and debating is over. It is clear that this matter needs to be resolved and the time for action is now.

Joan McCarthy, and the few other veterans who suffer from this mysterious cancer and their families, deserve justice. I urge all my colleagues to strongly support this measure.

IN HONOR OF MARTIN LUTHER KING, JR.

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. GILMAN. Mr. Speaker, in a few days, Americans will be celebrating the national holiday which honors one of our great patriots and moral leaders, Rev. Dr. Martin Luther King, Jr.

Reverend King was taken from us prematurely over a quarter century ago, at far too young an age, in one of the most heartless, senseless, and destructive crimes in our national history. It is difficult for us to recognize that if his life had not been so tragically snuffed out, Dr. King would be only 66 years old on his birthday this month.

Although the life of Martin Luther King was cut short, his message is eternal and will long outlive all of us here today. The simple truth that Dr. King worked so hard to make us all

recognize is that hatred actually harms the hater more than the hated. The evils of racial injustice, which were a blot on the record of our Nation for far too long, harmed the economy, the morals, and the advancement of white America just as much as it did Black America. The terrible legacy of Jim Crowism and continued racial discrimination which plagued us for well after a 100 years of the Emancipation Proclamation harmed us all, for they not only prevented all Americans from enjoying the full benefits of our society, they also prevented us all from reaping the benefits of the contributions all Americans are capable of making.

By no means should the celebration of Martin Luther King Day be taken as a celebration that we have achieved all we can. In fact, the legacy of racial division and hatred continues to plague us today, in many ways, day after day. No American can truly be satisfied until after all of the barriers of prejudice in our society are removed.

Yet, we can be inspired by the words of Dr. King, who stated: "If you can't fly, run. If you can't walk, crawl. By all means, keep on moving."

Martin Luther King Day is an appropriate time for all Americans to remember that we must continue to move, until the day when all of us are afforded full opportunity, and that none of us have to be concerned that race, color, creed, or ethnic heritage are a hindrance to any individual, or to our Nation as a whole.

Let us free ourselves from hatred, as Dr. King urged, so that we can share the dream he so eloquently shared with all in August of 1963—a dream that some day the descendants of slaves and the descendants of slave holders can sit down and join hands together at the table of brotherhood and proclaim: "Free at last, free at last. Thank God almighty, we're free at last."

INTRODUCTION OF OVERSIGHT LEGISLATION ON PENSION PLAN TERMINATION INSURANCE

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. FAWELL. Mr. Speaker, as we continue this year to celebrate the 20th anniversary of the Employee Retirement Income Security Act of 1974 [ERISA], I want to bring attention to the termination insurance program administered by the Pension Benefit Guaranty Corporation [PBGC]. The PBGC was created in 1974 under ERISA Title IV in order to guarantee the private pension benefits of employees and retirees in the event their company goes bankrupt and leaves their pension plans less than fully funded.

Even though the General Agreement on Tariffs and Trade [GATT] legislation enacted last year included significant reforms of the PBGC termination insurance program, I believe it is essential that we closely monitor how these changes affect defined benefit pension plans and the goals set forth under ERISA for the PBGC. It might also be noted that the changes to PBGC included in GATT only affected the single-employer plan programs and not the multiemployer program.

Over the last few years, a number of reform proposals have been introduced, including recommendations from the Bush administration, the Clinton administration, some of which were enacted in GATT, and others introduced by former-Representative Jake Pickle. With the passage of PBGC reform in GATT, my Subcommittee on Employee-Employer Relations and the Committee on Economic and Educational Opportunities will take a strong interest in closely monitoring the PBGC program. To aid the committee in its oversight of the PBGC termination insurance program, we are today reintroducing past proposals which address both the single-employer and multiemployer defined benefit pension programs. We want to look at these ongoing termination insurance programs in light of these suggestions, the actual changes included in GATT, as well as other suggestions that we are now asking interested parties to bring to the committee's attention.

While our introduction today of past proposals, and the introduction in the future of the other proposals that come to our attention, does not constitute endorsement of any particular approach, we think that the various provisions contained in such proposals can serve as a valuable tool to assess the progress and effectiveness of the termination insurance programs administered by the PBGC.

The role of defined benefit pension plans and the operation of the title IV termination insurance programs administered by the PBGC constitute important elements of the retirement income security component of our Nation's private pension system. Given our committee's historic jurisdiction over employee benefits under ERISA, I think it imperative that we pay close attention to the status of the programs administered by the PBGC and take a long-term view as to how those features of the current law and other proposals will help ensure the long-term soundness of the defined benefit pension system.

The Subcommittee on Employee-Employer Relations of the Committee on Economic and Educational Opportunities also welcomes comments and suggestions regarding the oversight of other aspects of the ERISA pension, health, and other employee benefit programs under its purview.

THE NATIONAL PARK SYSTEM
REFORM ACT OF 1995

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. HEFLEY. Mr. Speaker, today I rise to reintroduce the National Park Reform Act of 1995. Except for three small changes, this bill is identical to H.R. 4476, which passed the House by a vote of 421 to 0 last year.

Over the past few months, my friend and colleague, the gentleman from Utah [Mr. HANSEN], has generated a great deal of comment in the West by suggesting that some of the Nation's 368 national parks are not worthy of being in the Park System and that, perhaps, we should look at unloading some of them. His suggestion has not been entirely well received and he is now being charged with trying to destroy the Park System. But, to play the devil's advocate, hasn't he got a point?

Over the past few years, Congress has gotten into the habit of willy-nilly creating national parks. So many, in fact, that some of the newer ones have never been funded while others, some the crown jewels of the National Park System, must bear up under a multibillion backlog. As a result, we have a leaky roof and failing electrical system at Independence Hall in Philadelphia, poor road conditions along Skyline Drive in Virginia and park rangers living in what NPS Director Roger Kennedy terms "Third-World conditions." Meanwhile, we have designated park sites without historical merit and have created others more for urban economic development than for preserving the natural and cultural fabric of the United States. Something must change and this bill is a step toward doing that.

The National Park System Reform Act gives the NPS director 1 year to develop a plan to carry the Park Service into the next century—a plan which includes goals and objectives, an inventory of what is represented and criteria for selection and numerical priorities for both urban and non-urban parks. It requires the Park Service to review its holdings, ensures that everything there belongs there and examines alternative forms of management for those that do not. If the Park Service fails to carry out this mission within 1 year, a blue-ribbon panel, similar to the base-closure commission, will be appointed for a 2-year period to develop its own report.

Three changes have been made from last year's bill, the first, a minor change adding open space preservation to the Park Service study, and two others, dealing with compliance with the National Environmental Protection Act.

Now I suppose, if one wanted to dwell upon the negative, one could label this a park-closing bill. But that would be ignoring the positive aspects of this legislation. Successful implementation of this bill might result in the closure of a handful of parks and could realize significant monetary savings and would ensure a Park System whose holdings are meaningful—the result of a careful screening process, not political clout. In short, it would ensure that taxpayers got their money's worth from the Park System.

Could this bill be more stringent? Yes, but is it necessary to be more stringent. There has been some skepticism that the Park Service can clean its own house. That is for the hearing process to decide. But here we have a truly bipartisan bill, the result of sometimes arduous wrangling between the House Natural Resources Committee and the Park Service and between the gentleman from Minnesota [Mr. VENTO] and myself. This is as true a bipartisan bill as you are likely to see in your lifetime. If we need a stronger posture, then this bill can be amended. That is what the hearing process is for.

In any event, we must not wait to start. I feel strongly that the National Park System Reform Act is something we should enact quickly, before the end of the 100 days. With every passing day our Park System, the world's object of envy, grows more pallid for lack of sufficient funds. We are in danger of loving our parks to death. But if you truly love parks, you will work to make them the best they can be. The National Parks System Reform Act will do this. I strongly urge your support and your cosponsorship.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Park System Reform Act of 1995".

TITLE I—NATIONAL PARK SYSTEM PLAN

SEC. 101. PREPARATION OF NATIONAL PARK SYSTEM PLAN.

(A) PREPARATION OF PLAN.—The Secretary of the Interior (hereinafter in this Act referred to as the "Secretary"), acting through the Director of the National Park Service, shall prepare a National Park System Plan (hereinafter in this Act referred to as the "plan") to guide the direction of the National Park System into the next century. The plan shall include each of the following:

(1) A statement of goals and objectives for use in defining the mission and role of the National Park Service in preserving our national natural and cultural heritage, relative to other efforts at the Federal, State, local, and private levels.

(2) Detailed criteria to be used in determining which natural and cultural resources are appropriate for inclusion as units of the National Park System.

(3) Identification of what constitutes adequate representation of a particular resource type and which aspects of the national heritage are adequately represented in the existing National Park System or in other protected areas.

(4) Identification of appropriate aspects of the national heritage not currently represented in the National Park System.

(5) Priorities of the themes and types of resources which should be added to the National Park System in order to provide more complete representation of our Nation's heritage.

(6) A statement of the role of the National Park Service with respect to such topics as preservation of natural areas and ecosystems, preservation of industrial America, preservation of nonphysical cultural resources, open space preservation, and provision of outdoor recreation opportunities.

(7) A statement of what areas constitute units of the National Park System and the distinction between units of the system, affiliated areas, and other areas within the system.

(b) CONSULTATION.—During the preparation of the plan under subsection (a), the Secretary shall consult with other Federal land managing agencies, State and local officials, the National Park System Advisory Board, resource management, recreation and scholarly organizations and other interested parties as the Secretary deems advisable. These consultations shall also include appropriate opportunities for public review and comment.

(c) TRANSMITTAL TO CONGRESS.—Prior to the end of the third complete fiscal year commencing after the date of enactment of this Act, the Secretary shall transmit the plan developed under this section to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

SEC. 102. MANAGEMENT REVIEW OF NATIONAL PARK SYSTEM.

(a) REVIEW.—(1) Using the National Park System Plan prepared pursuant to section 101 as a guide, the Secretary shall review the existing National Park System to determine whether there are more appropriate alternatives for managing specific units or portions of units within the system, including partnerships or direct management by States, local governments, other agencies and the private sector. The Secretary shall

develop a report which contains a list of areas within the National Park System where National Park Service management should be modified or terminated.

(2) In developing the list under paragraph (1), the Secretary shall consider such factors as duplication within the National Park System, better representation of a particular resource type under management of another entity, lack of significance, lack of management feasibility, cost, lack of visitor accessibility, modifications that change the character of the resource, lack of collaboration to protect resources, suitability for management by another agency, and the compatibility of the resource with the present mission and role of the National Park Service.

(3) For any areas for which termination of National Park Service management is recommended, the Secretary shall make recommendations regarding management by an entity or entities other than the National Park Service. For any area determined to have national significance, prior to including such area on the list under paragraph (1) the Secretary shall identify feasible alternatives to National Park Service management which will protect the resources thereof and assure continued public access thereto.

(b) CONSULTATION.—In developing the list referred to in subsection (a), the Secretary shall consult with other Federal land managing agencies, State and local officials, the National Park System Advisory Board, resource management, recreation and scholarly organizations and other interested parties as the Secretary deems advisable. These consultations shall also include appropriate opportunities for public review and comment.

(c) TRANSMITTAL TO CONGRESS.—Not later than 1 year after the Secretary completes the plan referred to in section 101 of this Act, the Secretary shall transmit the report developed under this section simultaneously to the Natural Resources Committee of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The report shall contain the recommendations of the Secretary concerning modifications or termination of National Park Service management for any areas within the National Park System and the recommendations regarding alternative management by an entity or entities other than the National Park Service.

SEC. 103. NATIONAL PARK SYSTEM REVIEW COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—If the Secretary fails to transmit the report developed under section 102 within the 1-year period specified in section 102, a National Park System Review Commission shall be established to review existing National Park System units to determine whether there are more appropriate alternatives for managing specific units or portions thereof. Within one year after the date of its establishment, the Commission shall prepare and transmit to the Natural Resources Committee of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a report containing a list of National Park System units or portions thereof where National Park Service management should be modified or terminated. In developing the list, the Commission shall consider the factors referred to in section 102(a)(2). For any listed areas, the Commission shall suggest alternative management by an entity or entities other than the National Park Service, and for any area determined to have national significance, prior to including such area on the list the Commission shall identify feasible alternatives to National Park Service management which will protect the resources of

the area and assure continued public access to thereto. In developing the list, the Commission shall consult with other Federal land managing agencies, State and local officials, the National Park System Advisory Board, resource management, recreation and scholarly organizations and other interested parties as the Secretary deems advisable. These consultations shall also include appropriate opportunities for public review and comment.

(b) **MEMBERSHIP AND APPOINTMENT.**—The Commission shall consist of 7 members each of whom shall have substantial familiarity with, and understanding of, the National Park System. Three members of the Commission, one of whom shall be the Director of the National Park Service, shall be appointed by the Secretary. Two members shall be appointed by the Speaker of the United States House of Representatives and two shall be appointed by the President Pro Tem of the United States Senate. Each member shall be appointed within 3 months after the expiration of the 1-year period specified in section 102(c).

(c) **CHAIR.**—The Commission shall elect a chair from among its members.

(d) **VACANCIES.**—Vacancies occurring on the Commission shall not affect the authority of the remaining members of the Commission to carry out the functions of the Commission. Any vacancy in the Commission shall be promptly filled in the same manner in which the original appointment was made.

(e) **QUORUM.**—A simple majority of Commission members shall constitute a quorum.

(f) **MEETINGS.**—The Commission shall meet at least quarterly or upon the call of the chair or a majority of the members of the Commission.

(g) **COMPENSATION.**—Members of the Commission shall serve without compensation as such. Members of the Commission, when engaged in official Commission business, shall be entitled to travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in government service under section 5703 of title 5, United States Code.

(h) **TERMINATION.**—The Commission established pursuant to this section shall terminate 90 days after the transmittal of the report to Congress as provided in subsection (a).

(i) **LIMITATION ON NATIONAL PARK SERVICE STAFF.**—The Commission may hire staff to carry out its assigned responsibilities. Not more than one-half of the professional staff of the Commission shall be made up of current employees of the National Park Service.

(j) **STAFF OF OTHER AGENCIES.**—Upon the request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission.

(k) **EXPERTS AND CONSULTANTS.**—Subject to such rules as may be adopted by the Commission, the Commission may procure temporary and intermittent services to the same extent as authorized by section 3109(b) of title 5, United States Code, but at rates determined by the Commission to be advisable.

(l) **POWERS OF THE COMMISSION.**—(1) The Commission shall for the purpose of carrying out this title hold such public hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission deems advisable.

(2) The Commission may make such by-laws, rules, and regulations, consistent with this title, as it considers necessary to carry out its functions under this title.

(3) When so authorized by the Commission any member or agent of the Commission

may take any action which the Commission is authorized to take by this section.

(4) The commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(5) The Secretary shall provide to the Commission any information available to the Secretary and requested by the Commission regarding the plan referred to in section 101 and any other information requested by the Commission which is relevant to the duties of the Commission and available to the Secretary.

SEC. 104. NEPA.

The provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply to the preparation of any report pursuant to section 102 or 103 of this Act.

TITLE II—NEW AREA ESTABLISHMENT

SEC. 201. STUDY OF NEW PARK SYSTEM AREAS.

Section 8 of the Act of August 18, 1970, entitled "An Act to improve the Administration of the National Park System by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes" (16 U.S.C. 1a-1 and following) is amended as follows:

(1) By inserting "GENERAL AUTHORITY.—" after "(a)".

(2) By striking the second through the sixth sentences of subsection (a).

(3) By redesignating the last sentence of subsection (a) as subsection (e) and inserting in such sentence before the words "For the purposes of carrying" the following: "(e) AUTHORIZATION OF APPROPRIATIONS.—"

(4) By striking subsection (b).

(5) By inserting the following after subsection (a):

"(b) **STUDIES OF AREAS FOR POTENTIAL ADDITION.**—(1) At the beginning of each calendar year, along with the annual budget submission, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a list of areas recommended for study for potential inclusion in the National Park System.

"(2) In developing the list to be submitted under this subsection, the Secretary shall give consideration to those areas that have the greatest potential to meet the established criteria of national significance, suitability, and feasibility. The Secretary shall give special consideration to themes, sites, and resources not already adequately represented in the National Park System Plan to be developed under section 101 of the National Park System Reform Act of 1994. No study of the potential of an area for inclusion in the National Park System may be initiated after the date of enactment of this section, except as provided by specific authorization of an Act of Congress. Nothing in this Act shall limit the authority of the National Park Service to conduct preliminary resource assessments, gather data on potential study areas, provide technical and planning assistance, prepare or process nominations for administrative designations, update previous studies, or complete reconnaissance surveys of individual areas requiring a total expenditure of less than \$25,000. Nothing in this section shall be construed to apply to or to affect or alter the study of any river segment for potential addition to the national wild and scenic rivers system or to apply to or to affect or alter the study of any trail for potential addition to the national trails system.

"(c) **REPORT.**—The Secretary shall complete the study for each area for potential inclusion into the National park System within 3 complete fiscal years following the date

of enactment of specific legislation providing for the study of such area. Each study under this section shall be prepared with appropriate opportunity for public involvement, including at least one public meeting in the vicinity of the area under study, and reasonable efforts to notify potentially affected landowners and State and local governments. In conducting the study, the Secretary shall consider whether the area under study—

"(1) possesses nationally significant natural or cultural resources, or outstanding recreational opportunities, and that it represents one of the most important examples of a particular resource type in the country; and

"(2) is a suitable and feasible addition to the system.

Each study shall consider the following factors with regard to the area being studied: the rarity and integrity of the resources, the threats to those resources, whether similar resources are already protected in the National Park System or in other Federal, state or private ownership, the public use potential, the interpretive and educational potential, costs associated with acquisition, development and operation, the socioeconomic impacts of any designation, the level of local and general public support and whether the unit is of appropriate configuration to ensure long term resource protection and visitor use. Each such study shall also consider whether direct National Park Service management or alternative protection by other agencies or the private sector is appropriate for the area. Each such study shall identify what alternative or combination of alternatives would in the professional judgment of the Director of the National Park Service, be most effective and efficient in protecting significant resources and providing for public enjoyment. Each study shall be completed in compliance with the National Environmental Policy Act of 1969. The letter transmitting each completed study to Congress shall contain a recommendation regarding the Administration's preferred management option for the area.

"(d) **LIST OF AREAS.**—At the beginning of each calendar year, along with the annual budget submission, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a list of areas which have been previously studied which contain primarily cultural or historical resources and a list of areas which have been previously studied which contain primarily natural resources in numerical order of priority for addition to the National Park System. In developing the list, the Secretary should consider threats to resource values, cost escalation factors and other factors listed in subsection (c) of this section."

SEMPER FI FOR TOTS

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. BARCIA. Mr. Speaker, I rise today to call attention to the excellent Toys for Tots program that has operated in Bay County since 1980 under the able and sincerely appreciated leadership of Gunnery Sergeant Robert K. Greenleaf of the Marine Corps Reserve. It is most important for all of us to remember that we can always do more to help our neighbors, especially children, and the